

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 1544 - SB 1654

January 25, 2018

SUMMARY OF BILL: Extends the availability for a writ of error coram nobis under certain circumstances to a defendant that pleads guilty or nolo contendere.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- The writ of error coram nobis is a legal order allowing a court to correct its original judgement upon discovery of a fundamental error which did not appear in the records of the original proceedings and would have prevented the judgement from being pronounced.
- Tennessee Code Annotated § 40-26-105 makes a writ of error coram nobis available to a defendant in a criminal case in certain circumstances.
- This legislation expands the availability of a writ of error coram nobis to a defendant that pleads guilty or nolo contendere if (1) the defendant was without fault in failing to discover the evidence before the plea and (2) there is reasonable probability that the defendant wouldn't have plead guilty had this evidence been made available.
- Passage of this legislation will not significantly impact incarceration costs.
- The courts, district attorneys, and public defenders can handle any impact within their existing resources.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink that reads "Krista M. Lee".

Krista M. Lee, Executive Director

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